

Application No. 10/748,535
Amendment dated March 22, 2005
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2874

PATENT

REMARKS/ARGUMENTS

Status of Application

Claims 30, 33, 38, and 39 are pending.

Claims 30-32 and 24 were finally rejected. Applicants have canceled claims 31, 32, and 34, and have amended claim 30 in a manner that is believed to address the Examiner's rejection.

This Amendment After Final Should be Entered

Applicants recognize that the Examiner has discretion as to whether to enter an Amendment after final rejection, and respectfully submits that this Amendment is worthy of entry.

The Amendment reduces the number of claims and eliminates one of the prior art rejections from the case. Therefore, while Applicants believe that the Amendment places the case in condition for allowance, the Amendment certainly places the case in better condition for appeal in significantly narrowing the issues.

The Amendment neither adds new matter nor raises new issues. The added claim language is similar to language that was added in connection with the addition of claim 38 in the immediately preceding Amendment.

The Amendment to Claim 30 Overcomes the Prior Art Rejection

Claim 30 is rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,565,686 to Welch ("Welch"). In the above-mentioned preceding Amendment, Applicants argued that the recitation of a "dynamically configurable retroreflector" in the preamble was entitled to patentable weight. In response, the Examiner stated that Welch could be read broadly enough to teach a "dynamically configurable retroreflector," and therefore maintained the rejection.

Applicants have amended claim 30 to recite more particularly the angular relationships among the mirrors. Specifically, claim 30 now recites that the first and second

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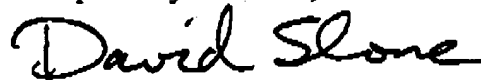
angular positions about the rotation axis are qualified by "said first angular position being such to define an included angle of approximately 90° between said first and third flat mirrors such that an incident beam is reflected off the third flat mirror and the first flat mirror to emerge along a first path that is 180° to the incident path, said second angular position being such to define an included angle of approximately 90° between said second and third flat mirrors so that the incident beam is reflected off the third flat mirror and the second flat mirror to emerge along a second path that is 180° to the incident path, and is parallel to and displaced from the first path." These relationships are nowhere disclosed in or suggested by Welch, and are believed to clearly distinguish over Welch.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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